

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

TOMAS S. JIMENEZ,
individually and on behalf
of all others similarly situated,

v.

NOVA MUD, INC.

§ Docket No. 2:15-cv-01058-GBW-SMV

§

§

§

§ JURY TRIAL DEMANDED

§

§ COLLECTIVE ACTION

§ PURSUANT TO 29 U.S.C. § 216(b)

§

**JOINT MOTION TO APPROVE CONFIDENTIAL SETTLEMENT AND
RELEASE, AND DISMISS WITH PREJUDICE PER FED. R. CIV. P. 41**

Having reached a compromise of the claims alleged by Plaintiffs, Tomas Jimenez, Andrew Hernandez, Anthony Martinez, Brandon Monsey, Bryan Naatz, Bullett Burchett, Caleb Awtry, Cole Guidinger, Corey Awtry, Dalton Henson, Daniel Parent, Darren Dunaway, Eduardo Zamora, Edward Fitzwilliam, Jordan Emig, Jordan Riggins, Jose Jimenez, Jose Lara, Jr., Joseph Mishler, Juan Corral, Kevin Fort, Kevin Perez, Kris Bohannon, Mateo Quinones, Nicholas Delao, Noe Perez, Rafael Munoz, Raul Miranda, Ritchie Saucedo, Rolando Jimenez, and Russell Peter, with Nova Mud, Inc., the Plaintiffs respectfully request that the Court approve the Confidential Settlement Agreement and Release, and dismiss Plaintiffs' claims with prejudice to the refiling of the same. *See* Exhibit A – to be filed under seal.

Respectfully submitted,

/s/ Andrew W. Dunlap

Michael A. Josephson
Texas Bar No. 24014780
Andrew Dunlap
Texas Bar No. 24078444
Lindsay R. Itkin
Texas Bar No. 24068647
Jessica M. Bresler
Texar Bar No. 24090008
**Fibich, Leebron, Copeland,
Briggs & Josephson**
1150 Bissonnet St.
Houston, Texas 77005
Tel: 713.751.0025
FAX: 713.751.0030
mjosephson@fibichlaw.com
adunlap@fibichlaw.com
litkin@fibichlaw.com
jbresler@fibichlaw.com

AND

Richard J. (Rex) Burch
Texas Bar No. 24001807
Bruckner Burch, P.L.L.C.
8 Greenway Plaza, Suite 1500
Houston, Texas 77046
Tel: 713.877.8788
FAX: 713.877.8065

AND

Justin R. Kaufman
Rosalind B. Bienvenu
ROBINS CLOUD, LLP
505 Cerrillos Rd., Ste. A209
Santa Fe, New Mexico 87501
Telephone: (505) 986-0600
Telecopier: (915) 986-0632
jkaufman@heardrobins.com
rienvenu@heardrobins.com

ATTORNEYS FOR PLAINTIFF

/s/ Fernando M. Bustos

FERNANDO M. BUSTOS

New Mexico Federal Bar No. 16-19

Texas Bar No. 24001819

Email: fbustos@bustoslawfirm.com

AARON M. PIER

New Mexico Federal Bar No. 16-20

Texas Bar No. 24041694

Email: apier@bustoslawfirm.com

MATTHEW N. ZIMMERMAN

New Mexico Federal Bar No. 17-23

Texas Bar No. 24100386

Email: mzimmerman@bustoslawfirm.com

1001 Main Street, Suite 501

Lubbock, Texas 79401

Telephone: (806) 780-3976

Facsimile: (806) 780-3800

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that the foregoing document was served by ECF electronic filing on all known parties on February 23, 2017.

/s/ Andrew W. Dunlap

Andrew W. Dunlap

CERTIFICATE OF CONFERENCE

I conferred with counsel for Defendant, who is not opposed to the relief sought in this Motion.

/s/ Andrew W. Dunlap

Andrew W. Dunlap